

EXPEDITED PROCEDURE EXAMINING GROUP: 3761

Docket: 11842/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Sandra M. Maclean	Confirmation No.:	5239
Appln. No.:	10/664,236	Examiner:	Anderson, Catherine L.
Filing Date:	September 17, 2003	Group Art Unit:	3761
Title:	Miscarriage Care Package		

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed May 14, 2009,
Applicant submits a replacement Summary of Claimed Subject Matter (section 5).

SUMMARY OF CLAIMED SUBJECT MATTER

The presently appealed claims are generally directed toward a care kit or package for use by women undergoing, or expected to undergo, a miscarriage. As claimed, the miscarriage kit may include at least one under pad/bed liner that may be used to protect furniture or other surfaces as a woman undergoes the miscarriage. The kit may also include at least one specimen pan designed and adequate for receiving human tissue as the women undergoes the miscarriage. The kit may also include at least one container for holding fetal remains for legal disposition. The kit may also contain additional items for use in assisting the woman emotionally, mentally, and/or physically as she undergoes, or prepares to undergo, a miscarriage.

Specifically, Claim 1 recites a miscarriage kit (10) comprising: at least one under pad/bed liner (14) configured to be positioned on a surface (e.g., paragraph 50), the under pad/bed liner (14) having a bottom layer and a top layer (e.g., paragraph 50), wherein the top layer is designed to absorb bodily fluids (e.g., paragraph 51), and wherein the bottom layer protects the surface from bodily fluids that soak through the top layer (e.g., paragraph 50); at least one sanitary napkin (22, 24); at least one towel (26, FIG. 8, e.g. paragraph 54); at least one pair of gloves (28, FIG. 9); at least one specimen pan for receiving human tissue (16, FIGS. 3A and 3B); and at least one container for holding fetal remains for legal disposition (18, FIG. 4, e.g. paragraphs 55-56).

Claim 35 recites a miscarriage kit (10) comprising: at least one under pad/bed liner (14) configured to be positioned on a surface (e.g., paragraph 50), the under pad/bed liner (14) having a bottom layer and a top layer (e.g. paragraph 50), the top layer is designed to absorb bodily fluids (e.g., paragraph 51), and wherein the bottom layer protects the surface from bodily fluids that soak through the top layer (e.g., paragraph 50); at least one sanitary napkin (22, 24); at least one towel (26, FIG. 8, e.g., paragraph 54); at least one pair of gloves (28, FIG. 9); at least one specimen pan (16, FIGS. 3A and 3B), wherein the specimen pan (16) is configured to fit inside the rim of a toilet (e.g., paragraph 52) and further includes an upper rim configured to allow the upper rim to rest atop the toilet rim (e.g., paragraph 53), the specimen pan having an opening positioned and sized to receive fluids and human tissue from a miscarriage (e.g., paragraph 54), and wherein the specimen pan is comprised of a durable material (e.g., paragraph 52); and wherein the specimen pan provides a measurement guide for measurement of fluid loss (e.g.,

paragraph 53); and at least one container for holding fetal remains for legal disposition (18, e.g., paragraph 55-56), wherein the container is opaque (e.g., paragraph 55).

Claim 38 recites a miscarriage kit (10) comprising: at least one under pad/bed liner (14, e.g., paragraphs 50-51); at least one sanitary napkin (22, 24, e.g. paragraphs 58-60); at least one towel (26, e.g. paragraph 61); at least one pair of gloves (28, e.g. paragraph 62); at least one specimen pan for receiving human tissue (16, e.g. paragraphs 52-54); and at least one container for holding fetal remains for legal disposition (18, e.g. paragraphs 54-56); and at least one thermometer (34, paragraph 66).

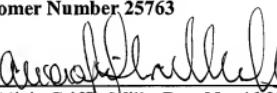
REMARKS

Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences.

This response is being submitted on or before June 14, 1009 making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: June 15, 2009
By: 
Alicia Griffin Mills, Reg. No. 46,933
(612) 492-6514